

REMARKS/ARGUMENTS

This is a response to the March 18, 2004 Office Action containing a restriction requirement.

It is noted that the restriction has been called for with respect to two inventions identified as Inventions I and II. Applicant provisionally elects, with traverse, Invention I including claims 1-13 and 23-25.

Section 121 of the Patent Statute authorizes a requirement for restriction only when two or more independent and distinct inventions are claimed in one application. The two inventions identified above clearly are dependent in that each is related to the other in operation or effect. The Statute requires both independence and distinctness, not either, and provides such requirement in definite terms. The construction adopted by the Manual of Patent Examining Procedure assumes that the Statute authorizes restriction between inventions which are not independent and distinct, but which are either independent or distinct. It is Applicant's position that the plain meaning of the Statute defies such construction. For this reason, Applicant requests that the restriction requirement be withdrawn so that the claims in controversy may be prosecuted as a single invention.

Respectfully submitted,

Date: _____

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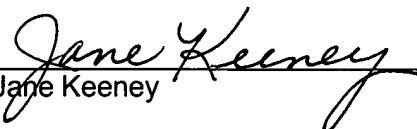
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